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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/581,298

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Angelo Benvenuti

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BREINER & BREINER, L.L.C.

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EXAMINER

KIM, SANG K

ART UNIT

PAPER NUMBER

3654

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/581,298	BENVENUTI ET AL.	
	Examiner	Art Unit	
	SANG KIM	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Pre-amdt. 5/30/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/1/06</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

Claims 58-65 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In claim 58, line 5, "an actuator" is recited, but in claim 60, line 2, "an actuator" is also recited. Is applicant referring to a different actuator for the lever mechanism?

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 42-70 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 42 and 70, the phrase, "sustain said reels in the at least one winder during unwinding and convey the mandrels following unwinding to a recovery area," is indefinite and vague. Where and what constitutes a "recovery area?"

In claim 60, on page 6, line 3, the phrase, "oscillating and/or translation movement of the member," is indefinite and vague. Examiner cannot determine whether the features stated above are inclusive together or exclusive in alternative form.

In claim 69, the phrase, "said carriages are self-moving and remote-controlled," is indefinite and vague. In so far as the claim is understood as the carriages can operate automatically.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 42-43, 51 and 69-70 are rejected under 35 U.S.C. 102(a) as being anticipated by Long, U.S. Patent No. 6820837 B2.

Regarding claims 42, 51 and 69-70, Long '837 discloses a winder (not shown, see column 1, lines 1-11, parent rolls are rolled up on a reel after a web manufacturing process, i.e., winder) which receives at least one web material and produces large diameter reels 40a, 40b by winding said web material around winding mandrels (43a, 44a); at least one unwinder 10 which unwinds said large diameter reels to provide unwound web material and which feeds the unwound web material to a converting line (i.e., splicing, cutting, embossing, etc.); a plurality of carriages (using 46, see figure 14) which transfer said large diameter reels 40a, 40b with said mandrels 44a from a loading station (near 14) to said at least one unwinder (near 18), sustain said reels 40a in the at least one unwinder during unwinding and convey the mandrels (43a, 44a) following unwinding to a recovery area (using 92, see figure 13, and column 1, lines 30-36).

Regarding claim 43, Long '837 discloses a transfer device (using some sort of transport device to transport to an unwinding station), see column 1, line 9-11.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 44 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long, U.S. Patent No. 6820837 B2, in view of Lehrieder et al., U.S. Patent No. 6039284.

Long '837 recognizes that the parent rolls are transported to the unwinding station, but does not explicitly explain the transfer device.

Lehrieder '284 discloses the concept of transporting the rolls by using a conveyor 12 and areas for storing the rolls, see figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Long '837 to use a conveyor to transport the rolls as taught by Lehrieder '284, in order to transport the rolls automatically and save labor costs.

Claims 42-43, 51, 54 and 66-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biagiotti, U.S. Patent No. 6679451 B1, in view of Biagiotti, U.S. Patent No. 5730389.

Regarding claims 42-43, 51 and 69-70, Biagiotti '451 discloses a winder (not shown, see column 1, lines 1-11, a large diameter reel for supplying web material to a processing machine, i.e., winder) which receives at least one web material and produces large diameter reels B, B1 by winding said web material around winding mandrels T, 13, 15; at least one unwinder (near 3) which unwinds said large diameter reels to provide unwound web material and which feeds the unwound web material to a converting line (i.e., splicing, cutting, embossing, etc.); a carriage 1 which transfer said large diameter reels B, B1 with said mandrels T, 13, 15 from a loading station (no reference number assigned) to said at least one unwinder (near 3), sustain said reels B, B1 in the at least one unwinder during unwinding and convey the mandrels T, 13, 15 following unwinding to a recovery area (using slides 9, 11 with arms 5, 7 to remove or pick up the core), see figures 1-6.

Biagiotti '389 discloses the concept of providing a plurality of carriages 13A, 13B, and unwinders, see figures 1-3.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Biagiotti '451 to use a plurality of carriages as taught by Biagiotti '389, to speed up the process of manufacturing in order to reduce any downtime.

Regarding claims 54 and 66-68, as stated above, Biagiotti '451 discloses the concept of locking the core tube and the mandrel by using the arms 5, 7, which can help guide the mandrel by loading and unloading, see figures 1-6.

Claims 44 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biagiotti '451 and Biagiotti '389 as applied to claims 42-43 above, and further in view of Lehrieder at Ia., U.S. Patent No. 6039284.

Biagiotti '451 recognizes that the reels are transported to the unwinding station, but does not explicitly explain the transfer device.

Lehrieder '284 discloses the concept of transporting the rolls by using a conveyor 12 and areas for storing the rolls, see figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Biagiotti '451 in view of Biagiotti '389 to use a conveyor to transport the rolls as taught by Lehrieder '284, in order to transport the rolls automatically and save labor costs.

Allowable Subject Matter

Claims 45-50, 52 and 55-65 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Thursday from 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo, can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

8/28/08

/SANG KIM/

Examiner, Art Unit 3654